

**IN THE UNITED STATES DISTRICT COURT FOR  
WESTERN DISTRICT OF PENNSYLVANIA**

BARTLEY M. MULLEN, JR., individually  
and on behalf of all others similarly situated,

Plaintiff,

v.

DINE BRANDS GLOBAL, INC.;  
APPLEBEE'S INTERNATIONAL, INC.;  
APPLEBEE'S RESTAURANTS LLC; and  
APPLEBEE'S FRANCHISOR LLC,

Defendants.

Case No. 2:19-cv-00198-MJH

**STIPULATION OF DISMISSAL AND PROPOSED ORDER**

Plaintiff Bartley M. Mullen, Jr. ("Plaintiff") and Defendants Dine Brands Global, Inc., Applebee's International, Inc., Applebee's Restaurants LLC and Applebee's Franchisor LLC, by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Civ. P. 23(e), hereby stipulate to the dismissal of this action, with prejudice as to Plaintiff's individual claims, and without prejudice as to the claims of any alleged class members. No motion for class certification has been filed and no class has been certified in this action. Accordingly, notice to the putative class and Court approval of the settlement are not required under Fed. R. Civ. P. 23(e). The parties shall bear their own attorney's fees and costs. The parties have entered in no written or oral agreements, except as set forth in this Stipulation. Accordingly, the parties request that the Court enter the attached Order dismissing with prejudice Plaintiff Bartley M. Mullen, Jr.'s individual claims and dismissing without prejudice the claims of any alleged class members.

By: **CARLSON LYNCH LLP**

/s/ R. Bruce Carlson

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*Dine Brands Global, Inc. et al*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2019, I electronically filed the foregoing Stipulation of Dismissal and Proposed Order with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ R. Bruce Carlson